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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

MICHAEL SMITH

Plaintiff,

vs.

EXPRESS SCRIPTS HOLDING COMPANY,

Defendant.

Case No.: 3:16-cv-05001-VC

**JOINT STIPULATION TO CONTINUE
CASE MANAGEMENT CONFERENCE &
PROPOSED ORDER**

Complaint Filed: July 1, 2016

Plaintiff MICHAEL SMITH and Defendant EXPRESS SCRIPTS HOLDING COMPANY (collectively, the “Parties”), through their respective counsel and subject to the approval of the Court, hereby STIPULATE AND AGREE that:

1. The Parties previously submitted a Joint Case Management Statement and Discovery Plan to the Court pursuant to the Court’s Order.

1 2. Due to business travel and scheduling conflicts as well as continued discussions
2 amongst the Parties, the Parties respectfully request the Court continue the Case Management
3 Conference presently set for December 6, 2016 until a later date after January 13, 2017 to be
4 determined by the Court.

5 3. The Parties have not requested a prior continuance of the Case Management
6 Conference. This joint stipulation for continuance is not made for the purpose of vexation or
7 delay, but for the sole purpose of pursuing an efficient resolution to this dispute. The requested
8 continuance will serve the interests of justice and conserve judicial resources.

9 WHEREFORE, Plaintiff and Defendant respectfully request that this Court enter an
10 Order granting a continuance of the Case Management Conference from December 6, 2016 to a
11 date after January 13, 2017 to be determined by the Court.
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15 Dated: December 1, 2016

/s/ David Shane

DAVID SHANE

Counsel for Plaintiff Michael Smith

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18 Dated: December 1, 2016

/s/ Barry Marsh

BARRY MARSH

SCOTT KANTER

MICHAEL NOLAN

TANYA MAERZ

Counsel for Defendant Express Scripts Holding
Company

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24 IT IS SO ORDERED.

25 Dated: December 2, 2016



UNITED STATES DISTRICT JUDGE, HONORABLE
VINCE CHHABRIA